

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

DIANE M. RITZIE, ) Case No. 4:04CV00039  
Plaintiff, )  
v. )  
J & J INVESTMENTS AND SALES, INC.; )  
CHAMPION HOME BUILDERS CO.; )  
JULIA JAMES and JOHN JAMES, )  
Defendants. )  
  
**MEMORANDUM OPINION**  
By: Jackson L. Kiser  
Senior United States District Judge

On November 23, 2005, Defendant J&J Investment and Sales, Inc. (“J&J”) filed a Motion for Summary Judgment as to Counts VI of Plaintiff Diane M. Ritzie’s (“Plaintiff”) Complaint [Dkt. Nos. 105, 106] in the above-styled matter. Plaintiff never filed a brief in opposition this motion.

Paragraph Four of the Pre-Trial Order (“PTO”) that was issued in this case on February 15, 2005 states in bold and upper case font that “except for good cause shown, if briefs in opposition to the motion are not filed, it will be deemed that the motion is well taken.” Docket number 116 in this case is styled as a brief in opposition to the defendant’s motion for summary judgment [Dkt. No. 105]. This response is, however, actually directed to Defendant Champion Homebuilders Co.’s Motion for Summary Judgment [Dkt. Nos. 92, 93]. In other words, Plaintiff has never over the course of four months either responded substantively to J&J’s Motion for Summary Judgment or attempted to show good cause as to why summary judgment should not enter against her as to Count VI.

Therefore, and in accordance with the PTO, I will **GRANT** J&J's Motion for Summary Judgment as to Count VI of Plaintiff's Complaint.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the attached Order to all counsel of record.

Entered this 30<sup>th</sup> day of March, 2006.

s/Jackson L. Kiser  
Senior United States District Judge